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## FACSIMILE TRANSMISSION COVER SHEET

TO: MICHELE M. KIDWELL

COMPANY: USPTO

COUNTRY:

FACSIMILE NUMBER: (571) 273-8300

FROM: JOEL A. ROTHFUS

ROOM NO.:

TELEPHONE NO.: (732) 524-2722

DATE: October 16, 2006

FACSIMILE NUMBER: (732) 524-2808

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 10

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COMMENTS: U.S.S.N.: 10/827,569 Our ref: PPC 813 DIV

## THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATES STAMPED HEREON:

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| <input type="checkbox"/> Oath of Declaration               | <input type="checkbox"/> Drawings _____ sheets                            |
| <input type="checkbox"/> Assignment                        | <input type="checkbox"/> MPEP 609/ _____                                  |
| <input checked="" type="checkbox"/> Response               | <input type="checkbox"/> Notice of Appeal                                 |
| <input type="checkbox"/> Fee Transmittal                   | <input type="checkbox"/> Brief  |
| <input type="checkbox"/> Charge to Deposit Account 10-0750 | <input type="checkbox"/> Priority Document                                |
| <input type="checkbox"/> Amendment                         | <input type="checkbox"/> Status Inquiry                                   |
| <input type="checkbox"/> Extension of time (3 mo)          | <input type="checkbox"/> Sequence Listings/Diskette                       |
| <input type="checkbox"/> Issue Fee Transmittal             | <input type="checkbox"/> Biological Deposit Declaration                   |
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Practitioner's Docket No. PPC-813 DIV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Anthony D. DiSalvo

Application No.: 10/827,569

Group No.: 3761

Filed: 04/16/2004

Examiner: M.M. KIDWELL

For: CATAMENIAL DEVICE CHANGE INDICATOR

Mail Stop Petition  
Commissioner for Patents  
Arlington, VA 22202

**PETITION TO REVIVE APPLICATION ABANDONED UNINTENTIONALLY  
FOR FAILURE TO REPLY TO A FINAL REJECTION**

1. This application became abandoned on or about November 26, 2005.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional 37 C.F.R. 1.137(b)(3).

10/17/2006 SSITHIB1 00000082 100750 10827569

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)  
with sufficient postage as first class mail.

37 C.F.R. § 1.10\*  
G as "Express Mail Post Office to Addressee"  
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**TRANSMISSION**

facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

/Sylvia G. Brown/  
Signature

Date: October 16, 2006

Sylvia G. Brown

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petition to revive application abandoned unintentionally for failure to reply to a final rejection—page 1 of 2

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3. Reply

With respect to the outstanding requirements applicant files herewith an amendment under 37 C.F.R. ' 1.116 that cancels all rejected claims or otherwise *prima facie* places the application in condition for allowance.

4. Fee (37 C.F.R. ' 1.17(m))

Applicant=s status is: Other than a small entity — fee \$1,500.00.

5. Fee Payment

Authorization is hereby made to charge the amount of \$1,500.00 to Deposit Account No. 000027777.

*WARNING: Credit card information should not be included on this form as it may become public.*

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

Date: October 16, 2006

/Joel A. Rothfus/

(Signature of person making statement that abandonment was unintentional)

Joel A. Rothfus  
Reg. No. 33,277  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933

Date: October 16, 2006

Petition to revive application abandoned unintentionally for failure to reply to a final rejection—page 2 of 2

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Docket No. PPC-813 DIV

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Anthony DiSalvo et al. Confirmation No: 3205  
Serial No. : 10/827,569 Art Unit: 3761  
Filed : April 16, 2004 Examiner: M. M. Kidwell  
For : CATAMENIAL DEVICE CHANGE INDICATOR

Commissioner for Patents  
Alexandria, VA 22313-1450

**REVIVAL STATEMENT**

Dear Sir:

The undersigned is the attorney of record in the present application and is employed by Johnson & Johnson, the parent company of the assignee of this application.

The undersigned has a prosecution docket of approximately 90 pending U.S. patent applications and a proportionately large foreign prosecution docket. In addition, the undersigned is involved in two litigation actions, due diligence and negotiation activities in several matters relating to the acquisition and/or divestiture of intellectual property rights, and in day-to-day client counseling activities. This level of activity has been at least constant, if not increasing, over the past year.

The U.S. Patent and Trademark Office issued a Notice of Abandonment in this application on March 9, 2006, and this Notice appears to have been received by the Johnson & Johnson Patent Department docket clerks on March 10, 2006.

The Johnson & Johnson Patent Department docketing and document handling systems have been transitioning from paper-based to electronic systems since November 2004. Instead of forwarding file folders with attached Office Actions, the Johnson & Johnson Patent Department notifies attorneys of incoming Office Actions via email, and the actual documents are uploaded into an electronic database. In order to view the document, the attorney must access the electronic database to view and/or print out the document. Neither the paper file nor the paper documents are ordinarily delivered to the

attorney. The undersigned regularly receives between thirty and 100 emails per day. There is no automatic notification to the attorney of pending final docket dates.

In March 2006, the undersigned received an email reporting the receipt of the Notice of Abandonment. Consultations with the client confirmed that the assignee had no intention of abandoning this application. The undersigned's workload has again kept the accompanying petition from being filed sooner.

Respectfully submitted,

/Joel A. Rothfus/  
Joel A. Rothfus  
Reg. No. 33,277  
Attorney for Applicants

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2722  
Dated: October 16, 2006